IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 6605 of 2007(J)

PETITIONER:

SHEHSAD, AGED 24, S/O.SAINULABDEEN,
SANA RESIDENCY, GRAFF HILL, SREEKARYAM P.O.,
THIRUVANANTHAPURAM, REPRESENTED BY THE
POWER OF ATTORNEY HOLDER SHAHUL HAMEED,
AGED 63 YEARS, KANNIMEL VEEDU, MAYANADU P.O.,
KOLLAM-15.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.R.RENJITH

RESPONDENTS:

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1. THE TAHSILDAR, REVENUE RECOVERY,
TALUK OFFICE, KOLLAM.

2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, KOLLAM DISTRICT.

3. K. SHEREFFUDDIN, S/O.SIM KUNJU,
ARABIA MANZIL, PEROORCHERRY, KOLLAM.

4. JALALUDDIN, S/O.KASIM KUNJU,
PARAMBIL HOUSE, NILAMEL VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.
SRI.T.K.MARTHANDAN UNNITHAN
GOVERNMENT PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.6605 OF 2007.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF POWER OF ATTORNEY.

EXT.P2: TRUE COPY OF SALE CONFIRMATION ORDER ISSUED BY SUB COLLECTOR KOLLAM

EXT.P3: TRUE COPY OF INTERIM ORDER DT. 17.2.2006 PASSED BY THIS HON'BLE COURT IN O.P.NO.29551 OF 2002.

EXT.P4: TRUE COPY OF DOCUMENT NO.1141/2006 DATED 26.4.2006 OF KILIKOLOOR SUB REGISTRY.

EXT.P5: TRUE COPY OF RECEIPT DATED 23.2.2007ISSUED FROM THE OFFICER OF THE VILLAGE OFFICE MANGAD.

EXT.P6: TRUE COPY OF THE RECEIPT DATED 3.6.2006.

EXT.P7: TRUE COPY OF THE ORDER DATED 24.1.2007 PASSED BY THIS HON'BLE COURT IN O.P.NO.29551 OF 2002.

EXT.P8: TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT ON 18.10.2006 IN O.P.NO.29551 OF 2002.

EXT.P9: TRUE COPY OF THE ORDER DATED 17.2.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P10: TRUE COPY OF THE REPRESENTATION DATED 24.2.2007 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

/TRUE COPY/

PA TO JUDGE

S. SIRI JAGAN, J.

W.P.(C)NO.6605 OF 2007

DATED THIS THE 11th DAY OF JUNE, 2007

JUDGMENT

The petitioner claims to be a purchaser of certain properties. The petitioner challenges Ext.P9 notice issued by the Additional Tahsildar, Kollam by which it was decided to demarcate the property which is stated to be purchased by the petitioner. But I find that Ext.P9 has been issued pursuant to Ext.P7 judgment of this Court. In Ext.P7 judgment, it has been directed as follows.

> "The Tahsildar will demarcate the property after issuing notice to the parties and neighbourhood owners and hand over possession to the petitioner within three weeks from clearing arrears as above."

2. In so far as Ext.P7 judgment has not been subjected to any review or appeal, Ext.P9 notice which has been issued pursuant to Ext.P7 judgment cannot be challenged in any way.

In the above circumstances, the writ petition itself is not maintainable and accordingly, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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